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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/269,897	04/02/1999	KATSUMI AOYAGI	4047	1769
79681	7590	07/13/2010		
David A. Einhorn, Esq. Baker & Hostetler LLP 45 Rockefeller Plaza New York, NY 10111			EXAMINER ZEMAN, ROBERT A	
			ART UNIT 1645	PAPER NUMBER
			NOTIFICATION DATE 07/13/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPGNY@bakerlaw.com
dcipdocketing@bakerlaw.com
deinhorn@bakerlaw.com



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APPLICATION NO. /CONTROL NO. 09269897	FILING DATE 04/02/1999	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION AOYAGI ET AL.	ATTORNEY DOCKET NO. 4047
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EXAMINER Robert Zeman

ART UNIT 1645	PAPER 20100619
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 C. F. R. 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Applicant has had multiple attempts to perfect the sequence listing. The record shows at least 5 attempts for the period spanning 18 Feb 2009 through 10 March 2010. Please see the attached partial summaries of the CRFD documents in the subsequent pages which are in date order (oldest to newest).

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 I. E. §§ 1.821-1.825; or, use the time remaining in the period set for response in the communication dated 20 January 2010. Failure to comply with these requirements within the respond by date set by the mailing of this document will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g).

Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136 set by the mailing date of the prior communication. That date is 20 January 2010. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Web (<<http://www.uspto.gov/efc/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
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Randolph Building
401 Dulaney Street
Alexandria, VA 22314

Any inquiry concerning this communication should be directed to Examiner Robert Zeman at telephone number (571)272-0866. If attempts to reach the examiner by telephone are unsuccessful, Supervisory Patent Examiner Christopher S. F. Low, can be reached on *571) 272-0951

/ Christopher S. F. Low /
SPE
Art Unit: 1636

SCORE

CRF Problem Report

SCORE experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09269897

CRF Filing Date: 12/12/08

Date Processed by SCORE: 2/18/09

Contact: Electronic Business Center: Telephone: 866-217-9197

Nature of CRF Problem:

- (circle one) Damaged or Unreadable
- Blank (no files on CRF)
- Empty file (filename present, but no bytes in file)
- Wrong file saved to CRF (invention title, docket number, or applicant(s) do not match those in official application)
- Not saved in ASCII text
- Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.
- Did not contain a Sequence Listing.
- ☒ Other:

1) The CRF could not be processed due to the incorrect format of numeric identifiers throughout the sequence listing. No spaces are permitted in a numeric identifier, and a numeric identifier should be followed by a space. For example, "<120 >Method" should be "<120> Method".

2) Fields <140> and <141> are absent. These fields are mandatory once an application number is assigned.

3) The <110> field does not list the applicants.

.....
**PLEASE USE THE CHECKER VERSION 4.4.0 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Revised 01/20/06

SCORE

CRF Problem Report

SCORE experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09269897

Filing Date: 4/2/1999

Date Processed by SCORE: 3/11/09

Contact: Electronic Business Center: Telephone: 866-217-9197

Nature of CRF Problem:

- ☐ (circle one) Damaged or Unreadable
- ☐ Blank (no files on CRF)
- ☐ Empty file (filename present, but no bytes in file)
- ☐ Wrong file saved to CRF (invention title, docket number, or applicant(s) do not match those in official application)
- ☐ Not saved in ASCII text
- ☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.
- ☐ Did not contain a Sequence Listing.
- ☒ Other:

.....All numeric identifier tags have improper format, there should be no spaces in the identifier. As a result, the CRF could not be processed further.....

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1. EFS-Bio (<<http://www.uspto.gov/cbe/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
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Revised 01/20/06

Validation Report for Application: 09269897 cannot be generated.

This file is not a valid Sequence Listing File.

Timestamp: Wed Apr 22 11:37:18 EDT 2009

Sequence Listing could not be accepted due to errors.

See attached Validation Report.

If you need help call the Patent Electronic Business Center at (866) 217-9197 (toll free).

Reviewer: Anne Corrigan

Timestamp: {year=2009; month=5; day=1; hr=13; min=4; sec=44; ms=500; }

Reviewer Comments:

<110 >Tonen Corporation

<120 >Method for Detection or Measurement of Hepatitis C V irus

<160 >8

Please remove the extra space in the numeric identifiers; for example, change <110 > to <110>. Please do so throughout the submitted file.

Please insert the following mandatory numeric identifiers and their responses:

<130>

<140>

<141>

<210 >1

<211 >177

<212 >PRT

<213 >Hepatitis C virus

<400 >1

Met Lys Ala Ile Phe Val Leu Lys Gly Ser Leu Asp Arg Asp Pro Glu

5 10 15

Please remove the extra space in the numeric identifiers. The amino acid numbers are misaligned; do not use TAB codes between amino acid numbers; TABs cause misalignment. Use space characters, instead. These errors appear throughout the submitted file.

Validation Report for Application: 09269897 cannot be generated.

This file is not a valid Sequence Listing File.

Timestamp: Tue Jul 28 11:03:27 EDT 2009

Sequence Listing could not be accepted due to errors.

See attached Validation Report.

If you need help call the Patent Electronic Business Center at (866) 217-9197 (toll free).

Reviewer: markspencer

Timestamp: {year=2009; month=8; day=13; hr=8; min=38; sec=22; ms=922;

Reviewer Comments:

1.

SEQUENCE LISTING

<110 >Tones Corporation

<120 >Method for Detection or Measurement of Hepatitis C Virus

<160 >8

<210 >1

<211 >177

<212 >PST

<213 >Hepatitis C virus

<400 >1

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35 40 45

Gly Gly Val Tyr Leu Leu Pro Arg Arg Gly Pro Arg Leu Gly Val Arg
50 55 60

Ala Thr Arg Lys Thr Ser Lys Arg Ser Gln Pro Arg Gly Gly Arg Arg
65 70 75 80

Pro Ile Pro Lys Asp Arg Arg Ser Thr Gly Lys Ser Trp Gly Lys Pro
85 90 95

Gly Tyr Pro Trp Pro Leu Tyr Gly Asn Gln Gly Leu Gly Trp Ala Gly
100 105 110

Trp Leu Leu Ser Pro Arg Gly Ser Arg Pro Ser Trp Gly Pro Thr Asp
115 120 125

Pro Arg His Arg Ser Arg Asn Val Gly Lys Val Ile Asp Thr Leu Thr
130 135 140

Cys Gly Phe Ala Asp Leu Met Gly Tyr Ile Phe Arg Val Gly Ala Phe